



File Code: 1950

Date: March 5, 2009

Thank you for your interest in projects on the Beaverhead-Deerlodge National Forest. Enclosed is the Comment Decision Memo describing the proposal to identify and remove hazard trees within 2-1/2 horizontal tree lengths from high risk areas within developed recreation sites across the forest.

Our preliminary determination is that this proposal falls within a category of actions listed in the Forest Service NEPA Handbook (FSH) that are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and there are no extraordinary circumstances that would preclude use of the category (FSH 1909.15, Chapter 31.12[5] - Repair and maintenance of recreation sites and facilities).

In the 2005 decision on the lawsuit *Earth Island Institute v. Ruthenbeck*, the Federal District Court for the Eastern District of California struck down the Forest Service provision at 36 CFR 215.4(a). That provision had excluded projects such as this one from public notice, comment, and appeal. We are providing you with the opportunity to comment on the Forest-Wide Developed Site Hazard Tree Removal proposal pursuant to provisions at 36 CFR 215.5 and 215.6. This comment period is intended to provide those interested in or affected by this proposal an opportunity to make their concerns known prior to a decision being made by the Responsible Official.

How to Comment and Timeframe

Written, facsimile, hand-delivered, oral, and electronic comments will be accepted for 30 calendar days following publication of this notice in the *Montana Standard*. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this proposal. You should not rely upon dates or timeframe information provided by any other source. We expect the legal notice to be published on March 7, 2009.

In submitting comments, please provide: (1) your name, address, telephone number, and organization represented, if any; (2) title of the document on which the comment is being submitted; (3) specific facts along with supporting reasons that you believe should be considered by me; and (4) your signature.

Only those who submit timely comments will retain appeal eligibility. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.

Submit written comments to: Beaverhead-Deerlodge National Forest, Sharon Sawyer, 420 Barrett Street, Dillon, MT 59725 by the close of the comment period. The office business hours



for those submitting hand-delivered comments are: 8 a.m. - 4:30 p.m. Monday through Friday, excluding holidays. Oral comments must be provided at the Responsible Official's office during normal business hours via telephone (406) 683-3857 or in person; or at an official agency function (i.e. public meeting) that is designed to elicit public comments. Electronic comments must be submitted in rich text format (.rtf), Word (.doc) or Word Perfect format to comments-northern-beaverhead-deerlodge@fs.fed.us. The subject line must contain the name of the project for which you are submitting comments. For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of comments, it is the sender's responsibility to ensure timely receipt by other means. For appeal eligibility each individual or representative from each organization submitting substantive comments must either sign the comments or verify identity upon request.

If you need additional information regarding this proposal, please contact Alex Dunn (406) 683-3864.

Sincerely,

/s/ Bruce Ramsey

BRUCE RAMSEY
Forest Supervisor

Enclosure